

REMARKS

Claims 11 and 17 have been amended to more particularly point out and distinctly claim the present invention. In particular, Claim 11 has been amended to remove redundancy in the description of the containment area.

Claim 17 has been amended to clarify that the horizontal portion of the mat that approximates the horizontal foot well surface includes the containment area for containment of liquid spills. Support for the amendments can be found on page 11 of the specification, line 22 through page 12 of the specification line 7. Support for the amendments can also be found in at least Figures 1-9 and 21-23.

No new matter has been added as a result of the claim amendments.

I. Objection to Claims 11-16

The Examiner objected to Claims 11-15 because the phrase "to maintain the integrity of said containment area for containment of liquid spills within said mat" was repeated twice in lines 13-15 of Claim 11. Claims 12-14 were objected to as being dependent upon an objected base claim.

Applicant traverses and requests withdrawal of the Examiner's objection to Claims 11-16. Claim 11 has been amended to remove redundancy in the description of the containment area. Specifically, Applicant has deleted the second recitation of "that maintains the integrity of said containment area for containment of liquid spills within said mat" in lines 14-15 of Claim 11. Since the base Claim 11 has been amended to remove the redundancy, dependent Claims 12-14 are

no longer dependent upon an objected base claim.

In light of the described amendment to Claim 11, is respectfully requested that the Examiner withdraw the objection to Claims 11-16.

II The Rejection of Claims 17-19 under
 35 U.S.C. § 112, Second Paragraph

The Examiner rejected Claims 17-19 under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter Applicant regards as the invention. In particular, the Examiner states that the phrase "said horizontal portion having a flange" (Claim 17, line 12) is vague and indefinite because the Examiner does not know whether Applicant is referring to the horizontal portion that conforms to the seat or the horizontal portion that conforms to the foot well. Claims 18 and 19 were rejected as being dependent upon a rejected base claim.

Applicant traverses and requests withdrawal of the Examiner's rejection of Claims 17-19 under 35 U.S.C. § 112, second paragraph. Applicant notes that Claim 17 has been amended to recite that the horizontal portion that conforms to said horizontal foot well surface includes a flange to define a containment area for containment of liquid spills within the horizontal portion of said mat that conforms to said horizontal foot well surface. It is respectfully submitted that these amendments to Claim 17 make it clear that Applicant is referring to the horizontal portion that conforms to the foot well.

In light of the described amendments to Claim 17, it is respectfully requested that the Examiner withdraw the rejection of Claims 17-19 under 35 U.S.C. § 112.

III. The Examiner's Rejection of Claims 17-19 Under 35 U.S.C. § 103(a)

The Examiner rejected Claims 17-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,276,752, issued to Conte in view of U.S. Patent No. 5,120,108, issued to Watson et al. Specifically, the Examiner states that all the claimed limitations are present in Conte as applied to Claim 17 with the exception of a mat having a vertical portion and a horizontal portion that conforms to the foot well. The Examiner states that Watson et al. teaches the use of a seat protection device (10) that has a longitudinal dimension (unlabeled) that extends into a foot well area (unlabeled). In addition, the Examiner states that device (10) has a vertical portion (16) that conforms to a vertical wall (unlabeled) of a foot well area (unlabeled) and a horizontal portion (22) that conforms to the floor (26) of the foot well area (unlabeled).

It is the Examiner's position that it would have been obvious to one of ordinary skill in the art at the time of the instant invention to extend the longitudinal dimension of the mat (10) disclosed by Conte with the teachings of Watson et al., and that such a modification would extend the protection provided by the Conte device beyond the seat to include a downward extending surface of the vehicle seat and the vehicle floor and would also provide additional traction to the seat occupant when they are entering the vehicle.

In the Examiner's "Response to Amendment/Arguments", the Examiner states that a limitation presented by the Applicant in its remarks does not appear in the claims, namely, Applicant argues that Watson does not show a horizontal portion that conforms to the horizontal foot well surface and includes a flange extending outward from the conformal surface. Yet further, the Examiner states that Claim 17 does not indicate which horizontal portion has an outwardly

extending flange (the the horizontal portion that conforms to the seat or the horizontal portion that conforms to the foot well). Therefore the Examiner believes that under the broadest reasonable interpretation, it is acceptable to assume that the flange only extends from the horizontal surface that conforms to the seat, which the Examiner states is clearly shown in Conte .

Applicant respectfully traverses the Examiner's rejection of Claims 17-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,276,752, issued to Conte in view of U.S. Patent No. 5,120,108, issued to Watson et al.

Specifically with regard to Claim 17, Applicant notes (with emphasis added) the amendments that have been made to Claim 17 to recite that the horizontal portion that conforms to said horizontal foot well surface includes a flange to define a containment area for containment of liquid spills within the horizontal portion of said mat that conforms to said horizontal foot well surface. Applicant further notes that the claim amendments are consistent with the Examiner's suggestion to clarify the location of the flange in Claim 17 during Applicant's interview with the Examiner on February 2, 2004, as further summarized below.

Applicant respectfully submits that, even in combination, Conte with Watson et al. do not teach each and every limitation present in amended Claim 17. Conte is directed to providing protection to motor vehicle seating (Column 1, lines 65-67). Watson et al. teaches a combination seat, equipment holder and ice skate protector device to be placed on a dressing room bench (Column 1, lines 59-66). Neither Conte or Watson et al. teach or suggest containment of liquid spills within a mat conforming to a foot well. Furthermore, the relevant teachings of Conte and Watson et al. are inconsistent with one another. Conte generally teaches protection of seating under a protective container (Column 2, lines 5-14), whereas Watson et al. teach protection of skates

place on top of a padded panel (Column 2, lines 4-7). In sum, and in light of the claim amendments made to Claim 17, Applicant submits that the only suggestion to make the combination claimed in amended Claim 17 comes directly from Applicant's own disclosure.

Accordingly, Applicant respectfully requests the Examiner withdraw the rejection of Claim 17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,276,752, issued to Conte in view of U.S. Patent No. 5,120,108, issued to Watson et al. Similarly, Applicant respectfully requests allowance of all dependent Claims 18-19, as these Claims are dependent upon an allowable base claim (amended Claim 17).

IV. The Examiner's Notation of Allowable Subject Matter

Applicant thanks the Examiner for allowance of Claims 1-3 and 6-10.

V. Summary of Record of Interview

The Applicant and the Examiner participated in a telephonic interview on February 2, 2004. Applicant requested clarification of the Examiner's rejection of Claims 17-19 under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter Applicant regards as the invention. The Examiner stated that clarification of the location of the flange in Claim 17 was required, and further, such clarification may likely overcome the Examiner's rejection of Claims 17-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,276,752, issued to Conte in view of U.S. Patent No. 5,120,108, issued to Watson et al. Applicant stated that it would file a Request for Continued Examination to address the clarification of the location of the flange in Claim 17, as suggested by the Examiner.

In a previous office action, the Examiner required the Applicant under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. As a result, Claims 15, 16 and 20 were withdrawn by the Examiner from consideration. In the event that a generic claim is held to be allowable by the Examiner, it is respectfully requested that the Examiner withdraw the restriction of the respective claim(s) under 35 U.S.C. § 121.

It is believed that all of the issues raised by the Examiner in the November 3, 2003 Office Action are addressed herein. Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. Should the Examiner maintain any of the rejections or make new rejections of any of the pending claims, it is respectfully requested that it be pointed out with particularity how the cited reference(s) meet each and every term of each claim with respect to which the rejection is maintained. In the absence of a persuasive showing to that effect, the noted claims should be allowed.

This Amendment and Response has been submitted in support of Applicant's Request for Continued Examination ("RCE") under 37 CFR 1.114. Applicant has submitted herewith the required fee for the RCE. Applicant has also submitted herewith a Petition for Extension of Time under 37 CFR 1.136(a) for a two-month extension, and the required fee of \$210.00 for a small entity. Applicant believes that no further fees are due in connection with this Amendment and

Response.

In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned attorney at (858) 442-3257.

Respectfully Submitted,

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